

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 27, 1964  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem LaRue presiding.

Roll Call:

Present: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Absent: Mayor Palmer

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by FATHER VICTOR GOERTZ, Cristo Rey Catholic Church.

Councilman Shanks asked in view of what had transpired in Houston, Plainview and other cities regarding encephalitis, that the City Manager enlighten the Council as to what is being done, not so much as an alarm, but from a cautionary standpoint in Austin. The City Manager reported on the regular continuous program conducted by the Health Department in seeking out and spraying potential breeding areas of mosquitoes, and the stepping up of this program since this incident of encephalitis having occurred in Houston. A separate program called "Fogging" which consists of spraying another type of insecticide into the air, is done on petition of property owners and he stated this morning there were quite a few petitions asking for fogging. The real problem is the spraying of places where the mosquitoes can breed; and he asked that people who are aware of such places where they think the Health Department might not know of the locations, that the citizens get word to the Department. The City Manager urged all citizens to check their premises to be sure there are no containers holding water in which mosquitoes could breed. The Health Officer, DR. B.M. PRIMER, at Mayor Pro-tem LaRue's request explained the difference in the spraying and fogging programs--the fogging aimed at the adult mosquito, and the spraying to destroy the breeding places. Councilman Long stated many people were quite alarmed about this situation and she asked Dr. Primer to explain about the encephalitis germ, and whether or not the Houston mosquitoes were likely to be brought into Austin. DR. PRIMER gave a detailed report on the type of encephalitis that is occurring in Houston as being the St. Louis type; the other two types being the eastern and western equine types, which occur in horses. Encephalitis also occurs from inflammation of the brain with complication of other diseases. Dr. Primer discussed at Councilman

Long's request, the disease, stating mosquitoes were not infected from people, but carried the disease from migratory birds and snakes. As to the mosquitoes' coming in from Houston, Dr. Primer stated he thought that was hardly probable. Councilman White inquired about the life of a mosquito, and asked if the epidemic broke out in Austin, if it would be necessary to go back into a full fogging program. Dr. Primer reported there has been a good year around program of mosquito control, with extra activities during the summer; and besides the extra summer personnel and work, the program had been stepped up now using their regular inspectors to seek out these breeding places. Councilman Shanks congratulated Dr. Primer and the Health Department for taking this extra precaution. Dr. Primer reported the Department had a good program on mosquito and fly control. Mayor Pro-tem LaRue stated the fact the City was maintaining a year around program on this made the people feel more comfortable and confident.

Councilman Long moved that MR. AMOS HEROLD be heard. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. HEROLD expressed appreciation for the good work being done by the City Officials in taking care of the insects, but suggested that the entire City be alerted that the people could check and see if they had any old cans that held water and take that precaution now, and save a lot of trouble later.

Councilman White moved that the Minutes of the Regular Meeting of August 20, 1964 and Special Meeting of August 24, 1964, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.06 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 57 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Colony North, Section 1)

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem LaRue brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 13.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 18 IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Northwest Terrace, Section 1)

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue.  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem LaRue brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 31.99 ACRES OF LAND OUT OF THE J.A.G. BROOKE SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Riverbend at University Hills, Sections 3-A, 3-B and 3-C; and unplatted land)

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CARRINGTON'S UNIVERSITY HILLS FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the ordinance had been finally passed.

The City Manager submitted the following:

"August 18, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids on Radio Communications Equipment for the Civil Defense Department.

"Sealed bids were opened in the office of the Purchasing Agent at 2:00 P.M., August 17, 1964, for Radio Communication Equipment for the Civil Defense Department.

Bids were advertised in the Austin American-Statesman on August 2 and August 9, 1964 and sent to the following bidders: Motorola Communications and Electronics, Inc., Communications Company Inc., General Electric Company, Austin Communications, Industrial Communications and Radio Corporation of America.

The only bid received was from Motorola which is as follows:

Total Radio Communications Equipment \$22,928.05

"RECOMMENDATION: It is recommended the award be made to Motorola Communications and Electronics, Inc. in the amount of \$22,928.05.

"W. T. Williams, Jr., City Manager"

The City Manager noted this equipment was being purchased through Civil Defense, as the communication system is a part of the Civil Defense Program. He pointed out these prices compared favorably to the last prices, as there was some reduction in the costs. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin, on August 17, 1964, for Radio Communications Equipment for the Civil Defense Department; and,

WHEREAS, the bid of Motorola Communications and Electronics, Inc., in the sum of \$22,928.05, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Motorola Communications and Electronics, Inc., in the sum of \$22,928.05, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Motorola Communications and Electronics, Inc.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The City Manager submitted the following:

CITY OF AUSTIN  
BIDS FOR

Tabulated by: W. C. Moffett  
Brackenridge  
Hospital  
Purchasing Agent

New 500 milliammeter diagnostic X-ray machine; complete installation; and maintenance of all old and new X-ray equipment in the neuro-surgical suite, Brackenridge Hospital.

Picker X-ray      G.E. X-ray  
by Gilbert Co.    By G.E.

A. Equipment

1. 500 MA X-ray Generator and Controls
2. Radiographic Tube Hanger
3. Rotating Anode Tube Unit
4. High Voltage Cables
5. Radiographic Collimator

With trade-in of old Borg

1. Borg 200 MA Generating Unit.
2. Borg Tube Stand.
3. One pair High Voltage Cables.
4. Dynamax 25 Tube Unit.

(continued)

	<u>Picker X-ray By Gilbert Co.</u>	<u>G.E. X-ray By G.E.</u>
Completely installed		
Net bid price	\$12,600.	\$12,408.
B. Maintenance Agreement		
1. Assures service within 5 hr. max.		
2. Assures one resident engineer in Austin and two in Texas any of which can handle 5 hr. call.		
3. Bid price for 24 months regular maintenance service.	\$1,500.	\$1,200.
4. Bid price for overtime charges	\$5 hr. per man	\$4 hr. per man
5. Bid price for installation or moving equipment charges	\$10 hr. per man	\$9 hr. per man
6. Bid price for installation or moving overtime	\$15 hr. per man	\$13 hr. per man

Bids were sought from all manufacturers of the required new machine having a resident engineer in Austin with other engineers available in Texas on immediate call; and who could assume maintenance responsibility for all of the equipment in the neuro-surgical suite, both old and new.

Mr. Tobias, Hospital Administrator, recommends that contract for this equipment (installed) and maintenance agreement be awarded to General Electric X-ray on its lowest and best bid therefor.

"W. T. Williams, Jr., City Manager"

The City Manager made a report on the bids and stated this equipment would be operated by the Radiologist at Brackenridge and would become a part of the equipment on which the Radiologist pays rent. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin for a new 500 milliammeter diagnostic X-ray machine; complete installation; and maintenance of all old and new X-ray equipment in the neuro-surgical suite at Brackenridge Hospital; and,

WHEREAS, the bids of General Electric X-ray, in the sum of \$12,408.00 and trade-in for the new 500 milliammeter diagnostic X-ray machine and complete installation; in the sum of \$1,200.00 for 24 months regular maintenance service; and the hourly wage rate per man for other services and overtime, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Purchasing Agent of Brackenridge Hospital, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of General Electric X-ray, in the sum of \$12,408.00 and trade-in, for the new 500 milliammeter diagnostic X-ray machine and complete installation; in the sum of \$1,200.00 for 24 months regular maintenance service; and the hourly wage rate per man for other services and overtime, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of

August 27, 1964

Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with General Electric X-ray.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The City Manager submitted the following:

"August 24, 1964

"W. T. Williams, Jr.

City Manager

Austin, Texas

Dear Mr. Williams:

"Sealed bids were received until 11:00 A. M., Friday, August 21, 1964 at the office of the Director of Water and Sewer Department for the construction of 20-inch and 16-inch concrete steel cylinder water main, 20-inch and 12-inch cast iron water main in BEN WHITE BOULEVARD, FROM SOUTH CONGRESS AVENUE TO BURLESON ROAD. The purpose of this construction is to serve the present and future growth East of Interstate Highway No. 35 as shown in the 1958 Master Plan.

The bids were publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

The following is a tabulation of bids received:

<u>Firm</u>	<u>Amount</u>	<u>Working Days</u>
H & M Construction Corporation	\$115,204.85	50
Ford-Wehmeyer, Incorporated	118,753.55	75
Austin Engineering Company	121,530.85	60
Walter W. Schmidt, Contractor	124,445.70	60
Bland Construction Company	126,133.60	70
S.A.C.C., Incorporated, San Antonio	129,684.50	95
H.A. Nelson Construction Company	143,174.86	150
City of Austin	137,000.00	

It is recommended that the contract be awarded to H & M Construction Corporation on their low bid of \$115,204.85 with 50 working days.

"Yours truly,

s/ Dewey T. Nicholson  
Dewey T. Nicholson, Assistant Director  
Water and Sewer Department

s/ Victor R. Schmidt  
Victor R. Schmidt, Jr., Director  
Water and Sewer Department"

Councilman Long inquired about the purpose of this line. The City Manager stated it is a line intended to reinforce the whole system in that section of town. Councilman Long inquired about development on the Burleson Road if there were any. The City Manager stated there were the Santa Monica development, and another small subdivision to the east of Santa Monica. The Director of Water Utilities stated this construction would firm up the supply to the Internal Revenue System. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 21, 1964, for the construction of 20-inch and 16-inch concrete steel cylinder water main, 20-inch and 12-inch cast iron water main in Ben White Boulevard, from South Congress Avenue to Burleson Road; and,

WHEREAS, the bid of H & M Construction Corporation, in the sum of \$115,204.85, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of H & M Construction Corporation, in the sum of \$115,204.85, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with H & M Construction Corporation.

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The City Manager submitted the following:

"August 21, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for one (1) Forty Foot Aerial Tower Truck for Electric Distribution

Sealed bids were opened at 2:00 P.M., July 28, 1964, for one (1) Forty Foot Aerial Tower Truck. Invitations to bid were sent to all known manufacturers of this type of equipment and to local truck dealers. Bidders were given the opportunity to bid in three ways, (1) Complete unit, (2) Forty foot Aerial Tower and body only and (3) Cab and Chassis only. The City's estimated cost of this complete unit was \$20,000.00

The bids received are as follows:

<u>BIDDER</u>	<u>NET PRICE</u>	<u>BRAND NAME</u>
	<u>#2 Base Bid - Complete Unit</u>	
Hobbs Trailers	\$19,081.88	Holan - Dodge
Hobbs Trailers	19,692.98	Holan - International



(continued)

<u>BIDDER</u>	<u>NET PRICE</u>	<u>BRAND NAME</u>
<u>#2 Alternate Bid - Tower &amp; Body only</u>		
Graybar Electric Co.	*\$11,570.93	Powers
Utility Equipment Co.	11,637.79	Pitman
Hobbs Trailers	14,829.38	Holan
Commercial Body Corp.	16,556.00	Daybrook
<u>#2B Alternate Bid - Cab &amp; Chassis only</u>		
International Harvester Co.	3,579.00	International, Del. to St. Louis (Graybar)
International Harvester Co.	3,638.00	International, Del. to Oklahoma (Utility)
International Harvester Co.	3,676.00	International, Del. to San Antonio (Hobbs)
Dependable Motors	4,000.00	Dodge, Del. to St. Louis (Graybar)
Dependable Motors	4,000.00	Dodge, Del. to Oklahoma (Utility)
Dependable Motors	4,050.00	Dodge, Del. to San Antonio (Hobbs)
<u>Lowest Combination of Tower &amp; Body and Cab &amp; Chassis</u>		
Graybar Electric Co.	*11,570.93	Powers
International Harvester Co.	3,579.00	International
	15,149.93	
Utility Equipment Co.	11,637.79	Pitman
International Harvester Co.	3,638.00	International
	15,275.79	
Hobbs Trailers	14,829.38	Holan
International Harvester Co.	3,676.00	International
	18,505.38	
Graybar Electric Co.	11,570.93	Powers
Dependable Motors	4,000.00	Dodge
	15,570.93	
Utility Equipment Co.	11,637.79	Pitman
Dependable Motors	4,000.00	Dodge
	15,637.79	
Hobbs Trailers	14,829.38	Holan
Dependable Motors	4,050.00	Dodge
	18,879.38	

\*The low bid by Graybar Electric on a Powers Sky-Master Tower does not meet the City of Austin Specifications. Bidders were given the opportunity to bid on remote controls, located on the bucket, of either full system pressure hydraulic type or mechanical type. The bid by Graybar stated they were bidding on a low pressure slave valve type of control. Electric Distribution has used and experienced great difficulty with low pressure systems of the type bid by Graybar.

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Maintenance records reveal that maintenance costs and equipment out of service time has made this system expensive and unreliable. This unit will carry a City Employee in close proximity of energized high voltage lines; therefore dependability, smoothness of operation and complete control of the unit are most important.

The next low bid by Utility Equipment Co. on the Aerial Tower and Body and the low bid by International Harvester on the Truck Cab and Chassis meet all requirements and conditions of the Specifications.

RECOMMENDATION: It is recommended the award be made to Utility Equipment Company of Oklahoma City for one (1) Model HS-41-A Pitman 40 foot Hot-stik Aerial Tower with Model D-102 Body in the amount of \$11,637.79 as the lowest and best bid meeting specifications and to International Harvester Co. for one (1) International Model 1800 Cab and Chassis in the amount of \$3,638.00 as the lowest and best bid.

"W. T. Williams, Jr., City Manager"

The City Manager explained bids were taken separately on the trucks and equipment placed on the truck. This was the best combination bid. Alternate bids also were taken on a combined unit. The best combination was the separate bidding. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 28, 1964, for one (1) Forty Foot Aerial Tower Truck for Electric Distribution Department; and,

WHEREAS, the bid of Utility Equipment Company of Oklahoma City, in the sum of \$11,637.79 for one (1) aerial tower and body, and the bid of International Harvester Company in the sum of \$3,638.00 for one (1) cab and chassis, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Director of Electric Distribution and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Utility Equipment Company of Oklahoma City in the sum of \$11,637.79 and the bid of International Harvester Company in the sum of \$3,638.00 be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin be, and he is hereby authorized to execute contracts, on behalf of the City, with Utility Equipment Company of Oklahoma City and with International Harvester Company.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The City Manager submitted the following:

"August 21, 1964

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for one (1) Fifty Foot Aerial Tower Truck for Electric Distribution.

Sealed bids were opened at 2:00 P.M., July 28, 1964, for one (1) Fifty Foot Aerial Tower Truck. Invitations to bid were sent to all known manufacturers of this type of equipment and to local truck dealers. Bidders were given the opportunity to bid in three ways, (1) Complete unit, (2) Fifty foot aerial tower and body only and (3) Cab and Chassis only. The City's estimated cost of this complete unit was \$22,000.00

The bids received are as follows:

<u>BIDDER</u>	<u>NET PRICE</u>	<u>BRAND NAME</u>
<u>#1 Base Bid - Complete Unit</u>		
Hobbs Trailers	\$20,737.88	Holan - Dodge
Hobbs Trailers	21,348.98	Holan - International
<u>#1A Alternate Bid - Tower &amp; Body only</u>		
Holan	\$20,273.48	Holan
Utility Equipment Co.	15,332.96	Pitman
Hobbs Trailers	16,485.38	Holan
Commercial Body Corp.	18,319.00	Daybrook
<u>#1B Alternate Bid - Cab &amp; Chassis only</u>		
International Harvester Co.	3,638.00	International, Del. to Oklahoma (Utility)
International Harvester Co.	3,676.00	International, Del. to San Antonio (Hobbs)
International Harvester Co.	3,547.00	International, Del. to Ohio (Commercial)
Dependable Motors	4,000.00	Dodge, Del. to Oklahoma (Utility)
Dependable Motors	4,050.00	Dodge, Del. to San Antonio (Hobbs)
Dependable Motors	3,975.00	Dodge, Del. to Ohio (Commercial)
<u>Lowest Combination of Tower &amp; Body and Cab &amp; Chassis</u>		
Utility Equipment Co.	\$15,332.96	Pitman
International Harvester Co.	3,638.00	International
	<u>18,970.96</u>	
Hobbs Trailers	16,485.38	Holan
International Harvester Co.	3,676.00	International
	<u>20,161.38</u>	
Commercial Body Corp.	18,319.00	Daybrook
International Harvester Co.	3,547.00	International
	<u>21,886.00</u>	

(Continued)

<u>BIDDER</u>	<u>NET PRICE</u>	<u>BRAND NAME</u>
Utility Equipment Co.	\$15,332.96	Pitman
Dependable Motors	4,000.00	Dodge
	<u>19,332.96</u>	
Hobbs Trailers	16,485.38	Holan
Dependable Motors	4,050.00	Dodge
	<u>20,535.38</u>	
Commercial Body Corp.	18,319.00	Daybrook
Dependable Motors	3,975.00	Dodge
	<u>22,294.00</u>	

The low bid by Utility Equipment Co. on the Aerial Tower and Body and the low bid by International Harvester on the Truck Cab and Chassis meet all requirements and conditions of the specifications.

RECOMMENDATION: It is recommended the award be made to Utility Equipment Company of Oklahoma City for one (1) Model HS-50-A Pitman 50 foot Hot-stik Aerial Tower with Model D-102 Body in the amount of \$15,332.96 and to International Harvester Co. for one (1) International Model 1800 Cab and Chassis in the amount of \$3,638.00 as the lowest, and best bids of the various combinations.

"W. T. Williams, Jr., City Manager"

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 28, 1964, for one (1) Fifty Foot Aerial Tower Truck for Electric Distribution Department; and,

WHEREAS, the bid of Utility Equipment Company of Oklahoma City, in the sum of \$15,332.96 for one (1) aerial tower and body, and the bid of International Harvester Company in the sum of \$3,638.00 for one (1) cab and chassis, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Director of Electric Distribution and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Utility Equipment Company of Oklahoma City in the sum of \$15,332.96 and the bid of International Harvester Company in the sum of \$3,638.00 be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin be, and he is hereby authorized to execute contracts, on behalf of the City, with Utility Equipment Company of Oklahoma City and with International Harvester Company.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The City Manager explained the negotiations with GULF MART DIVISION about the installation of a sanitary sewer line extending the existing line to the location of the Gulf Mart Store. The Council authorized a contract at that time with Gulf Mart for an approach main, Gulf Mart to construct the line and the City to reimburse them. The line was installed. Two years have elapsed and two payments have become due. The Director of Water Utilities discussed with the Company the possibility of settling the matter by making a cash settlement at this time, and they agreed to do that by discounting the original cost to them by about 12%. The City is now in position of acquiring the line for a cash outlay of \$11,840. The original cost was \$13,455. Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received for the construction of 450 feet of 15 inch concrete sanitary sewer approach main, 1225 feet of 12 inch concrete sanitary sewer approach main, and 550 feet of 8 inch concrete sanitary sewer approach main between Shoal Creek Sanitary Sewer Main Trunk Line and a point 550 feet North of Anderson Lane; and,

WHEREAS, Diana Stores Corporation, Gulf Mart Division, has agreed to cause said sanitary sewer lines to be constructed according to City specifications and to transfer title to said lines to the City for eighty-eight per cent (88%) of the actual cost of the 15 inch and 12 inch lines and fifty-five per cent (55%) of the actual cost of the 8 inch line, not to exceed Thirteen Thousand Dollars (\$13,000.00); and,

WHEREAS, the City Manager and the Director of Water and Sewer Utilities have recommended the extension of said Sanitary Sewer System above described; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a contract under the terms of which the City of Austin shall acquire title to said 450 feet of 15 inch concrete sanitary sewer approach main, 1225 feet of 12 inch concrete sanitary sewer approach main, and 550 feet of 8 inch concrete sanitary sewer main extending from City's Shoal Creek Sanitary Sewer Trunk Main to a point 550 feet North of Anderson Lane from said Diana Stores Corporation, Gulf Mart Division, and to pay therefor eighty-eight per cent (88%) of the actual cost of the 15 inch and 12 inch mains and fifty-five per cent (55%) of the actual cost of the 8 inch main, not to exceed a total of Thirteen Thousand Dollars (\$13,000.00).

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The Mayor Pro-tem announced it was 10:30 A.M. and the hearing on the ordinance annexing HIGHLAND HILLS, SECTION 5, PHASE 2 and unplatted land was now open. No one appeared to be heard. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 23.68 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE T. J. CHAMBERS 8 LEAGUE GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

After explanation by the City Manager, Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by instrument of record in Volume 2205 at Page 421 of the Deed Records of Travis County, Texas, an easement for electric transmission line purposes was granted the City of Austin, in, upon and across portions of Lots 11, 14, 15 and 16, Sherwood Oaks, Section One, said Sherwood Oaks, Section One being a subdivision of a portion of the Isaac Decker League, in the City of Austin, Travis County, Texas, according to a map or plat of said Sherwood Oaks, Section One, of record in Book 9 at Page 165 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of above described Lot 15 has requested the City Council of the City of Austin to release the hereinafter described easement, since the City of Austin is not using this section of the easement for service to Lot 15, but is using the easement dedicated on the recorded plat of said Sherwood Oaks, Section One; and,

WHEREAS, the City Council has determined that the hereinafter described easement should be released; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described electric transmission line easement, to wit:

Two (2) strips of land, each of the said two (2) strips of land being five (5.00) feet in width, the strip of land hereinafter described as Number One being out of and a part of Lot 15, Sherwood Oaks, Section One, and the strip of land hereinafter described as Number Two being out of and a part of Lots 14 and 15, Sherwood Oaks, Section One, said Sherwood Oaks, Section One, being a subdivision of a portion of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Sherwood Oaks, Section One, of record in Book 9 at Page 165 of the Plat Records of Travis County, Texas; each of said two (2) strips of land five (5.00) feet in width is to be released from the electric easement provided in an instrument of record in Volume 2205, Page 421 of the Deed Records of Travis County, Texas, and the centerline of each being more particularly described as follows:

NUMBER ONE, BEGINNING at a point in the west line of said Lot 15, same being the east line of Lot 16, from which point of beginning the most southerly corner of said Lot 15 bears South 19° 23' East 24.00 feet;

THENCE, in a northeasterly direction with the following two (2) courses:

(1) North 37° 15' East 113.00 feet to a point;

(2) North 01° 45' East 24.95 feet to point of termination in the north line of said Lot 15, same being the south line of Lot 14, and from which point of termination a steel pin at the northeast corner of said Lot 15 bears North 78° 43' East 36.00 feet, more or less.

NUMBER TWO, BEGINNING at the point of intersection of the first and second courses described above;

THENCE, North 37° 15' East 40.00 feet to point of termination, from which point of termination the aforesaid steel pin at the northeast corner of Lot 15 bears North 89° 00' East 12.23 feet.

The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

Councilman White moved that MR. TOM NATION and MR. MACK KIDD be heard to discuss the sale of City property at Oltorf and Thornton Road. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. NATION displayed a plat showing City owned property and MR. PAUL VERCHER'S property which recently had been zoned "C". Mr. Vercher needs to move his business, the Red Top Metal Shop, from Lot 3. He has for sometime, had his request before the Council to purchase the City property; and at this time they request the Council to consider putting the property up for auction bidding. Councilman Shanks pointed out there was some street widening to be considered. The City Attorney stated it would be necessary to retain property to widen both Oltorf and Thornton Road; and in the same transaction, the City could probably acquire on a square footage basis the amount needed off the small portion of the Vercher property for widening Oltorf. Councilman White reported on a discussion he had with Mr. Vercher on the day before relating to him that the Council had not made up their minds as to whether or not they wanted to sell this land; and if they did, it would probably be on auction. Mr. Nation explained Mr. Vercher had to move his business and it is urgent that he know whether or not he can buy the City property. If he cannot he will have to build on property he presently owns. Councilman Long inquired about the right of way needed. It was stated 15' off of Oltorf and 10' from Thornton Road would be needed. Councilman Shanks stated it was not quite determined how much was needed, and suggested that a complete study be made to see exactly what is needed, then dispose of the rest of it. MR. NATION explained the necessity of submitting to the Planning Department a resubdivision plat, and he asked the Council if it could not sell this property at the present time, if it would join in with them in resubdivision of the property before the September 8th meeting of the Planning Commission. Mayor Pro-tem LaRue said the City Manager believed he could resolve the matter and make his recommendation by next week. The City Attorney stated the subdivision request would probably involve the showing on the subdivision the ultimate amount of right of way width and the determination of the actual right of way requirements would be aided by the City's joining in the subdivision plat. Councilman Long moved that the City Manager be authorized to execute a short form subdivision plat with the property owner. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer

The Council greeted and welcomed MR. RUEL L. SNOW who introduced three Boy Scouts from St. Johns Methodist Church, who are working on their citizenship Badge.

Councilman Long moved that MRS. GEORGE FRANCISCO be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MRS. FRANCISCO reported a blind corner at 29th and Jefferson, stating she had a minor collision there. Councilman Long moved that this blind corner on 29th and Jefferson be investigated and see if something can be done about it. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue

Noes: None

Absent: Mayor Palmer



Councilman Long moved that MR. BARNEY PEARSON and MR. JOHN ZERN be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. PEARSON stated they wanted to obtain permission to paint house numbers on curbs, realizing the City had run into trouble with some people contracting to paint the numbers, collecting the money and leaving town; and with some doing the service and then soliciting money for painting the numbers without first having been asked to do so. He and Mr. Zern were local people in a profit making organization, and they would operate in a good business like manner. Mayor Pro-tem LaRue commended the youths on their attempt, and their stating clearly it was a profit enterprise. The City Attorney pointed out the legal aspects, in that the curb is public property and the Council has never authorized anyone to paint anything on the curb except the official designation of street and traffic control symbols. Mayor Pro-tem LaRue said there were other complications and the Council would ask the City Manager to investigate this and report back next week. He said this brought up the question of using City property for private gain.

Councilman Long moved to hear MR. CHARLES GRANGER speak in behalf of Mr. Maurice Doke about installing a sky-ride over Lake Austin. The motion was seconded by Councilman Shanks. Roll call showed a unanimous vote.

MR. GRANGER displayed a plan, stating Mr. Doke owns the Viking Marina on the east side of Lake Austin, and has acquired the Lake Austin Inn on the west side on which he proposes to develop a restaurant, cabana facilities, and transit tourist facility. The Marina will be complete with first class dock facilities and a show room for boats. In order to tie the two together, and as an additional tourist attraction, Mr. Doke proposes to construct a sky-ride which would anchor at the Viking Marina, and at the property of the Lake Austin Inn and his Club on the west side of the lake. The construction would require towers out in the water, approximately 175' from the shore line. The Navigation Board concurred this would be acceptable to them. Mr. Granger requested the Council grant permission for their proceeding on this planning in order that these two towers might be constructed. Councilman Shanks stated if the facilities of the lake could be utilized for the benefit of the City, that this would be a great benefit toward tourism. The City Manager read the recommendation from the Navigation Board listing the limitations as follows:

1. That the docks on the east side of the lake be permitted to project out into the lake to the present position only.
2. That the docks on the west side of the lake be permitted to project out into the lake no farther than 50' and no boats may be docked at the ends of these docks so that they would project farther than 50' into the lake.
3. That the towers on either side of the lake be lighted to decrease hazards.

At this time Mayor Palmer entered the Council Room.

Mr. Granger stated these limitations were satisfactory. The towers are similar but higher than the Aqua Marina at San Marcos. He stated the timing, in order to get it in operation was on a tight schedule. Councilman Shanks inquired about the parking requirements. Mr. Granger expressed hope in working out an agreement with the City to develop the public parking by paving an area, plus the parking they would have on their own property. Mayor Pro-tem LaRue said this was a very interesting project; and the Council would need a report from all of the City Departments, and City Manager would need to investigate all of the side issues. He said they would try to find out the ways this could be accomplished and would get into this as quickly as possible. Mr. Granger pointed out the manufacturers in Switzerland had told them the order must be placed before September 15th, in order to have delivery and the project be in operation by next summer. The sky-ride was a \$300,000 project, and the total development would be between \$2,000,000 and \$3,000,000. MR. HEROLD said nothing should be done to endanger the water system, and there were many objections to this project. He said the City was providing these people a building site. The City Manager reported the Director of Water Utilities and Superintendent of the Water Treatment have already been discussing some matters that have to be solved. Councilman Long wanted to have a recommendation from the Planning Department and the Park and Recreation Board. Councilman Shanks suggested that all recommendations necessary be obtained and that everything that could be done to clear this as quickly as possible be done, as this would be a fine enterprise.

Councilman Long moved that MR. REX KITCHENS be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MR. KITCHENS asked what could they do to push this through as fast as they could. Mayor Pro-tem LaRue stated the City Manager was already working with this and if there is anything the Council could do to expedite this, it would do so. Councilman Long inquired of the City Attorney what liabilities would the City be facing here and inquired if it were different from one seining minnows. The City Attorney explained the City had a limited title to the land on which they are asking permission to use. He said he did not think seining or fishing within the grant of the State would raise a serious problem as to the title of the land. The City Attorney stated they would have to ask their own attorneys about the power of the City to authorize a private use of the bed of the river, title to which is in the City on a limited grant from the State. This is a very complicated legal problem, and one they would have to be working on as fast as they can. Councilman Long inquired about the difference then with the L.C.R.A. using the river as a private concern. The City Attorney explained the functions the L.C.R.A. perform are governmental in character. Councilman Long inquired if these people went in with their abutments and towers, if that would be different from allowing the use of the lagoon. The City Attorney explained the title of the property on the east side of the City as being different from that of this particular property which is held under a limited grant from the State. The City Manager stated the piers would be on private property, and the L.C.R.A. has easements to flood that land. The City Attorney asked that Mr. Granger's attorney call him or come by his office to discuss various matters.

Councilman White moved that MR. AMOS HEROLD be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. HEROLD asked hypothetical questions about accidents and fatalities that might be caused by this sky ride. The City Attorney replied the answers would depend on many facts, and said there certainly was a possibility of City liability, but that is something that both the developers and the Council would protect themselves against.

Councilman White noted some visitors to the Council, and the Council welcomed MR. JAMES RUTLAND, Texaco Company, and his friend.

Councilman Long noted there was an error in the Minutes of July 30th; and since they had already been adopted, she would like to move that the Council reconsider and amend the Minutes and reflect the vote of the Council. Councilman Long stated on July 30th, the Council majority voted to appoint Presiding Judges, Alternate Judges, and the Clerks of the Election to be held, and the Minutes reflect that the Council just made suggestions that the Clerks be appointed. She wanted to correct the word "suggested" and put in "appointed" as the Council voted. Councilman White seconded the motion. Councilman LaRue was under the impression the number of clerks was indicated, and the first four or number indicated were the ones to be listed. Councilman Long contended the clerks were appointed by the Council; and if they could not serve, the Judge would have authority to appoint someone else. Councilman Shanks said in other words they were suggestions. Councilman Long stated the Council appointed them. She said the Council did not use the word "suggest" and the Minutes show the Clerk erred, and she just wanted to make a correction; that it was definitely understood that the Council agreed to appoint the Clerks. Mayor Palmer stated the Council said to use the remaining names down the list, and it did not actually appoint them; and that is the way the Minutes ought to be correctly stated because the Clerks were not called by name. After more discussion, the roll call on the motion showed the following vote:

Ayes: Councilmen Long, White  
Noes: Councilmen LaRue, Shanks, Mayor Palmer

Councilman Shanks made the following statement:

"It is just a matter of interpretation. It is not a matter that I want to quibble with Mrs. Long on the thing, but it is just one word, and is cutting a line very fine. I just think the way the letter was written was sufficient to carry out the instructions of the Council."

Councilman Long stated she wanted the Minutes to reflect this:

"That the Council agreed when we were in Executive Session, that we would appoint the Judges, Assistant Judges and the Clerks in the numbers in which they fell in the precincts, and the number that we des-

ignated. Each precinct has a certain number of people that we designated -- say "four" to hold the election. Those four people were appointed, and if they could not serve, then we agreed, as we have always done and told the Judges that they could go ahead and appoint someone else to serve in this place. We were definitely appointing certain people that were named on the list that was before us. We did not name them; we just said the first four people, the first six people on the list."

Councilman Long suggested in the future when there are citizens sitting in the Council Room to be heard, instead of going through the dry routine matters, that the Council hear the citizens before making them sit here all morning then hearing them, as it is a disrespect to the general public. The routine matters of annexation, refund contracts and other matters, could be heard after the people, and she suggested again that in the future the general public be heard first. Councilman Long then made a motion that the general public be heard first. Councilman White asked why the change, as he thought the policy was working out pretty good. The Mayor noted people were involved in matters on the agenda. Councilman LaRue said he believed that a man who had worked hard to get on the Agenda and sometimes waits a week or two to get on the Agenda, should perhaps maintain a position over some one who walked in at the last moment saying he would like to be heard. Councilman Shanks stated the Agenda should be kept on a business like basis, and the people who want to get on the Agenda may, if they go through the proper channels. Councilman White said he honestly believed and thought that was a good move the Council had made, as recently the Council had been getting through before night. Councilman Long's motion died for lack of a second.

Councilman LaRue moved that MR. AMOS HEROLD be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. HEROLD spoke in favor of hearing the public first but setting a time limit. To set a time limit of 20 or 30 minutes would mean a lot to the citizens of Austin, as they cannot afford to sit up here all day. The Mayor noted many cities, as they grew larger, required a week in advance for a citizen to have a place on the Agenda. He stated the method pursued lately had been very effective, and that no one had been unduly delayed. Every person has a right of audience before this Council.

Councilman White moved to hear MR. CHESTER FREUND, JR. speak for two or three minutes about the status of changing the Master Plan from Industrial to Residential on Santa Monica South. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. FREUND inquired if this area one-half mile east of the Interregional on the south side of Ben White Boulevard, running through to East St. Elmo Road were going to be changed from Industrial Classification to Residential in the Master Plan; stating the school had purchased 20 acres of land. To surround this school with industry would be undesirable. He inquired as to what research was being done by the City on the feasibility of either going forward on a very progressive complete industrial development, or taking some of the acreage and creating a buffer residential zone around the school. Mayor Palmer reported the Council referred this request to the Planning Commission to see if a larger area could be included. The Director of Planning gave a partial report concerning the reversion of the land south of the railroad from its present industrial classification in the Master Plan to residential. He said there are two conflicting opinions between the Chairman and of the Planning Commission and himself and others as to what would be the best thing to do, and suggested this probably could be reconciled between the full membership of both the Planning Commission and the Council. He believed there would be a significant portion that would be changed to residential, but there is a difference of opinion. He stated perhaps the best thing would be to refer the matter back to the Planning Commission and get a modified recommendation, or the Council might take the formal proposal as it presently stands and make whatever modifications it wishes. The matter of utility service generally has been reconciled. The Planning Director stated he believed the Commission would prefer meeting and going over all of the questions with the Council. He said the Planning Department had asked the Chamber of Commerce Industrial Development Committee if they had any particular comments, as they were interested in this reversion of land back to residential, but they had not expressed any opinion. After discussion, Councilman Long moved to set a meeting and hear the Planning Commission on the matter of altering the Master Plan on Santa Monica South area, at 3:30 P.M., Thursday, September 3, 1964. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer invited Mr. Freund to be at this meeting.

The City Manager submitted several petitions for fogging areas. Councilman Long moved that those areas requested be fogged. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted a request from the Telephone Company for permission to run a telephone cable from an existing cable in the Airport grounds to the maintenance shop of Trans-Texas Airways. The Director of Public Works said the Company wanted to begin in the old Manor Road at a man hole on up to the Maintenance Shop of Trans-Texas. After discussion, Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the application of Southwestern Bell Telephone Company to construct

and maintain a buried telephone cable system in and under a part of Robert Mueller Municipal Airport; such system not to exceed a width of five (5) feet; the centerline of said assignment being more particularly described as follows:

A strip of land five (5.00) feet in width, same being out of and a part of Robert Mueller Municipal Airport in the City of Austin, Travis County, Texas; the centerline of said strip of land five (5.00) feet in width being more particularly described as follows:

BEGINNING at the centerline of Southwestern Bell Telephone Company Manhole No. 251, from which point of beginning the northwest corner of Lot 1, Block 2, Cresthaven Addition, a subdivision of record in Volume 502 at Page 425 of the Deed Records of Travis County, Texas bears S 29° 29' W 773.05 feet and S 19° 49' E 18.80 feet;

THENCE, N 23° 52' W 715.00 feet to a point ten (10.00) feet east of the northeast corner of the asphalt apron adjoining the Trans-Texas Airways Maintenance Building;

THENCE, S 81° 28' W 67.00 feet to a point;

THENCE, S 17° 02' E 11.00 feet to point of termination in the west side of said Trans-Texas Airways Maintenance Building.

be and the same is hereby granted and the Building Inspector is hereby authorized to issue a permit for the construction of such improvements, said grant and permit to be subject to the following conditions:

(1) The improvement shall be constructed and maintained in compliance with all ordinances and regulations relating thereto, pursuant to plans and specifications approved by the City's Director of the Department of Public Works.

(2) The permit shall be issued and accepted subject to all reasonable police, traffic, fire and health regulations of the City of Austin, now existing or hereafter adopted.

(3) The repair or relocation of any and all utilities in the vicinity necessitated by the laying of this improvement shall be done at the expense of Southwestern Bell Telephone Company.

(4) Southwestern Bell Telephone Company will indemnify and save the City of Austin harmless from any and all claims against the said City growing out of or connected with the construction or maintenance of said improvement.

(5) The City of Austin may revoke such permit or require relocation of facilities installed for good cause after notice to Southwestern Bell Telephone Company, and hearing thereon, and upon such revocation or requirement for relocation the owner of such improvement will remove or relocate the same and pay all costs and expenses attendant therewith.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated the City needs a small tract of land containing about  $8\frac{1}{2}$  acres on the lower end of Walnut Creek adjacent to the property purchased for the Sewage Treatment Plant. The property belongs to Mr. Sandstrom. The City Attorney described the property and listed the price paid for the Bull Tract, stating the appraisals would support the same price for this tract. The property is on the east side of the railroad track, south of Webberville Road. After discussion, Councilman Shanks moved to purchase the land at \$1100.00. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

Councilman Long voting against the motion, stating she thought this was too much money for a little old ditch out there by the railroad track and it is ridiculous. Mayor Palmer inquired if this eight acre tract adjoined Mr. Sandstrom's other larger tract. It was stated it did but was separated by a railroad track with a connecting underpass.

The City Manager stated the City had an option or offer which had to be accepted or rejected within the next two days involving the Gracy property on Walnut Creek. The City Attorney reported the contour survey had been made by the Public Works Department showing where the water line would be if the area were inundated by a dam the same height as the deck of the bridge, and there is an agreement by the property owner that his property line would be moved so that the City would own and control 100' outside of the high water mark. The City Attorney described the new location of the line which would now parallel the center line of the creek, and stated this would be 126 acres on the south side. Councilman White inquired how much acreage would be in this park by this additional land. It was stated there would be 266 acres. Finally, after discussion, Councilman Shanks' moved that the Council exercise the option. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager reported a request to purchase some city-owned land at 309 55 $\frac{1}{2}$  Street, which was acquired in connection with the Chesterfield drainage easement. The City Attorney displayed on a plat the location of this property, just west of the Drive-in Theatre, on North Lamar. He explained the land would be large enough to be useable as a separate building site except there would be the necessity of obtaining a variance from the Board due to insufficient frontage on the street. The abutting owner has submitted an offer. It was recommended by the Director of Public Works not to sell a part of this property in order to have unrestricted access to the drainage ditch. After discussion, Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a deed on behalf of the City of Austin, conveying to Eugene E. Crawford the following described property, to wit:

0.25 of one acre of land, same being out of and a part of Lots 30 and 31 and that certain portion of Lot 29, Block 2, Northfield Annex No. 2, a subdivision of a portion of the James P. Wallace Survey No. 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Northfield Annex No. 2 of record in Book 4 at page 232 of the Plat Records of Travis County, Texas; which Lots 30 and 31 and that certain portion of Lot 29 was conveyed, together with other property, to the City of Austin by Warranty Deed dated December 10, 1953, of record in Volume 1415 at page 134 of the Deed Records of Travis County, Texas; said 0.25 of one acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the north line of said Lot 29, same being the south line of W. 55 $\frac{1}{2}$  Street, which point of beginning is at the northwest corner of the herein described tract of land, and from which point of beginning an iron pin at the northwest corner of said Lot 29, bears N 60° 18' W 3.00 feet;

THENCE, with the said north line of Lot 29, S 60° 18' E 25.41 feet to a point, for the northeast corner of the herein described tract of land;

THENCE, S 11° 38' E 139.72 feet to a point;

THENCE, S 18° 20' E 37.49 feet to an iron pin at the southeast corner of the aforesaid Lot 31, for the southeast corner of the herein described tract of land;

THENCE, with the south lines of said Lots 31, 30 and 29, N 60° 18' W 147.00 feet to a point for the southwest corner of the herein described tract of land;

THENCE, with a line three (3.00) feet east of and parallel to the west line of Lot 29, same being the west line of the herein described tract of land, N 30° 19' E 130.00 feet to the point of beginning.

(At a minimum of \$1,000)

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long Shanks, White, Mayor Palmer

Noes: None

The City Manager brought up for consideration the property in front of the American Legion Home. The American Legion had been approached by someone who wanted to buy that frontage and build apartments on it. The Mayor recalled in the overall development plan of the Town Lake, there was an indication that some property in that vicinity should be acquired. The City Attorney stated no recent appraisals had been made on this property with the restrictions that it would be used for parking and access ways. The City would be able to acquire the property for less money if there were an understanding there would be no structures constructed that would obscure the view. Mayor Palmer asked that the Council also consider exploring the possibility of acquiring the adjoining property on the east of this tract. Councilman LaRue moved that the Council explore the



possibilities of acquiring both pieces of property. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager had a list of properties in the hospital area, about which quite a few people have been inquiring. There are some questions about which of these properties may be needed in the area in the next few years. All lie within the area the Consultants' study shows as desirable to either own or control as a part of the health development in the Brackenridge area. Some might never have to be owned by the City, because in this complex there will be doctors' offices, etc., not necessarily owned by the public. The question is which properties will the City need itself and which will be needed in the near future. One thing necessary would be to employ an architect, although at this time perhaps it should be decided whether or not to make an independent study of the overall development. This would be a planning study rather than architectural study. Mayor Palmer suggested setting a time to review these reports next Thursday and try to make a determination. Councilman White moved that the Council review the information submitted by the Architects in connection with the Hospital and its expansion program and try to look this over and make a determination on the Architect prior to acquiring this additional land around the Hospital next Thursday. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated it would be necessary to have more than the architect's study. Councilman LaRue inquired if the Hospital Consultants, BOOZ-ALLEN & HAMILTON could make a more detailed explanation of their schematic drawing to make it more definite as to what would be required within the next 10, 15 or 20 years. Mayor Palmer stated after the questionnaires were reviewed, the Council would be in a better position to know whether the architects would be the ones to make an overall long range development plan or not. The City Manager stated one plan would be the development of the Hospital and there would be a need for a master plan for the future hospital and the phase development. In addition to that, there is needed a study of the area, locating the streets, parking lots, Child and Welfare Center, doctors' offices, etc. He thought this type of planning could be done by either City planners, or planning consultants. Mayor Palmer asked that these questionnaires from the Architects be sent to the Council Members prior to next week.

Councilman Long brought up for consideration the amendment to the Ordinance prohibiting swimming and wading in Town Lake. The City Attorney stated the amendment had been revised to exclude the Town Lake. He stated if the Council wanted to have a known point it could be set as "down-stream from a point 300' east of the east face of the north abutment of the bridge crossing the Colorado River at Pleasant Valley Road. Councilman White inquired about the location of MRS. CATHEY'S property if it would fall within this area. It was thought it would. The City Attorney pointed out on the City map the point that would be approximately the 300' distance from the bridge.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 BY ADDING SUBSECTION (F) TO SECTION 34.9 AUTHORIZING ISSUANCE OF PERMITS TO CERTAIN PERSONS TO GO INTO THE WATERS OF THE COLORADO RIVER DOWNSTREAM FROM PLEASANT VALLEY ROAD; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council decided there would be no fee for the permit.

Councilman LaRue moved that the Council recess until 2:30 P.M. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

Mayor Palmer referred to a letter from MR. RICHARD BAKER, dated August 26th requesting an amendment to the text of the Zoning Ordinance, regarding Section 14B (2) (d) of the Code, to equalize the minimum lot area requirements between efficiency apartments and standard apartments in the First Height and Area District, more particularly in the Apartment-Hotel Classification for Use Districts "BB" to "GR". Councilman LaRue moved that the Council file this letter with the Planning Commission. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer announced the Council would ask the City Attorney to review with the Council his brief on the Federal Civil Rights Law. The City Attorney distributed copies of the Civil Rights Bill and a Summary of the Bill. The City Attorney followed an outline of the Act, reviewing it in detail, and particularly discussed Title II, Public Accommodations pointing out two special definitions-- (1) what constitutes State action (2) and what constitutes affecting interstate commerce, and the named activities covered. He said the Act, in Section II, did not provide any remedy for violation of Title II other than through injunctive relief. It does not provide for a suite for damages and has no criminal penalties attached to the violations. If the injunctive process is ignored, then there could be a criminal contempt case.

The City Attorney discussed briefly Title III - Public Facilities Other Than Schools. Title IV - Public Schools was reviewed.

In connection with Title V - Commission on Civil Rights which had been extended until 1968 the City Attorney distributed copies of a Human Relations Commission Questionnaire form which was addressed to the Commission of Human Relations, City Hall, Austin, Texas, and read a portion of the questionnaire.

Title VI - Federal Aid Programs Other Than Insurance Or Guaranty was reviewed.

Title VII - Employment was discussed. The City Attorney stated this portion of the Act would not affect the City until 1965. Mr. Amos Herold took part in the discussion, in various sections.

Title VIII - Registration and Voting Statistics and Title IX - Intervention in Civil Cases were explained. Title X - Community Relations Service was covered along with the discussion of Title II. Public Accommodations.

Title XI - Miscellaneous was read, noting Titles I, VIII, IX and X did not come under this Title XI.

General discussion was held on the Act, Mayor Palmer and Councilman Shanks inquired about Section 12 of Title II, Community Relations Service. Councilman Shanks asked with this law setting up the Human Relations Committee in the Department of Commerce, where would a local Commission fit in, and what purpose would it serve other than to overlap. The City Attorney replied he likewise had inquired about this from the Federal Attorneys during their conference, and they were not able to answer the question. Councilman Shanks asked if there were a local Commission, and the plaintiff did not agree with the verdict, he could appeal to the Department of Commerce. The City Attorney stated he could also take it into a Federal Court. Councilman Long stated the purpose of a commission was to try to handle these problems locally before they got out of hand. The whole purpose of the questionnaire was to try to find out through broad studies just how effective these commissions are, and how they are working. The City Attorney noted the questionnaire did not come from the Community Relations Service, but from the Commission on Civil Rights. Councilman LaRue said if there were a local organization, it would have to have the authority for criminal action, which the Austin local organization does not have. Councilman Shanks stated it should be made clear that nobody, the Council, or anybody should fill this out and send it in unless it is a Human Relations Commission. Mr. Amos Herold complimented the City Attorney on the preparation of this outline-summary on this very complicated and difficult-to-understand Civil Rights Act.

Mayor Palmer stated the Council would need to study the outline and bill and discuss it further.

Councilman Long stated the City Attorney had certainly given a very good report on this, and fundamentally, the Council can understand what the Act requires, and she saw no problems as far as the City was concerned to study it further. It seemed the Council could either go ahead and appoint the Commission or deny there is a need for one; and that she, for one, believed there was a need, that one could be set up to study the problems when and if they occur, and it should go into the broader field of housing, job opportunities, education, health and welfare. When these Commissioners are appointed they can look into the matters as they arise and study them it would not be likely that there would be cases brought against the City. She said she for one, thought they had enough information to go ahead and appoint a well-rounded out Commission.

Councilman LaRue stated it was his opinion the present Commission has no standing insofar as this interpretation of this law is concerned. The City Attorney explained under Item 10, Title II, the Attorney General, private individuals or the Courts would not be obliged to stay the proceedings because there is not a state or local law prohibiting the same things that are prohibited by Title II. The Mayor stated there would have to be a law, state or local, prohibiting that, before the Commission could actually function. Councilman LaRue noted the Austin Commission had no criminal or civil authority to act, and it had no standing. The City Attorney pointed out this was right as far as Items 10, 11, or 12 were concerned. Councilman Long stated the ordinance could be amended, as it was the feeling of the Council the Commission could operate on a voluntary basis; and if they were then unable to meet the problem, it could be taken on to a higher authority. Councilman Shanks stated Austin was getting along so good right now, and this law has been passed, with a lot of encompassing effects; and what it sets out, and the fine condition the City of Austin has, he saw no reason for having a local Commission at the present time. Mr. Herold stated it would be a good thing to continue what the Council had passed as this Human Relations Committee as it would be a court of resort for people, and it might be able to secure a lot of information. Councilman White stated he did not see how a Commission would help in any way. He said Austin was getting along just fine, and the Council received all complaints in the City, and it had worked them out so far, and he felt sure they could work the others out. MRS. JOHN BARROW said at the present time, if there is a violation, and someone takes an exception, the complaint is sent to the Attorney General or Federal Court. She said it would be better to handle it here. The City Attorney stated there is a large school of thought on having uniform application of this Act where it is being enforced under the same administrative rules and processes. The Council discussed this Commission at length. The Mayor said the Council was unanimous in not passing an ordinance similar to the El Paso ordinance with a penalty clause; and unless there is some kind of penal ordinance, there would not be an effective local commission. Councilman Long stated they could act under that ordinance on a voluntary basis unless it were found later to be necessary to pass a stronger one. Mayor Palmer said everyone should look into this Act now since they had a good outline on it. The City Attorney explained the organization of the Justice Department. The Mayor stated the Act was being challenged, in some States, and it would be in October before the case could get a ruling.

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There being no further business, Councilman Shanks moved that the Council adjourn. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council adjourned at 4:10 P.M. subject to the call of the Mayor.

APPROVED

*L. E. Palmer*  
Mayor

ATTEST:

*Elin Hovley*  
City Clerk